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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/345,903	07/01/1999	FREDERIC P. MESSINGER	CIS-1212	1807
21005	7590	04/07/2004	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			TRAN, MYLINH T	
			ART UNIT	PAPER NUMBER
			2174	16

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/345,903

Applicant(s)

MESSINGER ET AL.

Examiner

Mylinh T Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed 02/09/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's Request for reconsideration filed 02/09/04 has been entered and carefully considered. However, arguments regarding rejections under 35.U.S.C 103 to claims (1-34) have not been found to be persuasive. Therefore, these claims are rejected under the same ground of rejection as set forth in the Office Action mailed (11/06/03).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayuzumi et al. [US. 5,781,191] in view of Perks et al. [US. 5,764,960].

As to claims 1, 12, 23 and 24, Mayuzumi et al. discloses an apparatus for providing software training and technical support to an end user (column 3, lines 15-40), a graphical user interface having selectable graphical user areas (figure 15A, (B1-B6 of Help Screen B) adapted to support multiple different tasks (figure 15B, (C1-1)), each task activated through a respective sequence of steps executed by a user through interaction with the selectable

graphical user area (column 20, lines 22-50 and column 21, lines 25-52). The difference between Mayuzumi et al. and the claim is a graphical overlay with a first step indication and the next step indication. Perks et al. shows the graphical overlay with a first step indication and the next step indication at figures 3-7, column 5, lines 1-20 "...including a multi-tasking environment with multiple overlapping windows displayed on screen of personal computer. ....several menu choices are disposed within menu bar of menu-formatted graphical user interface. The menu choices include a Document and a Help menu..." (Menu bar 86 contains 6 menu choices that each menu choice represents one task step). While Perks shows the graphical overlay with the first step indication associated with the first step in a given task directing the user's attention to a first selectable graphical user area and the next step indication associated with a next step in the given task, Mayuzumi et al. shows the feature of automatically displaying upon the user's completion between these tasks (column 22, lines 1-20). It would have been obvious to one of ordinary skill in the art, having the teachings of Mayuzumi et al. and Perks et al. before them at the time the invention was made to modify the graphical user areas with plurality of task steps taught by Mayuzumi et al. to include displaying automatically upon the user's completion between these tasks of Perks et al., with the motivation being to prompt the user information needed to complete a task without seeing or understanding how the task is completed as taught by Perks et al.

As to claims 2, 13 and 25, while Mayuzumi et al. teaches the selectable graphical user areas, Perks et al. shows the list of task indications dynamically changes as a function of the selectable graphical areas being displayed in said graphical user interface (column 6, lines 35-53).

As to claims 3, 14 and 26, Perks et al. also shows the list of task indications is capable of being positioned apart from said graphical user interface window with which it is coupled (figure 5).

As to claims 4, 15 and 27, Perks et al. demonstrates the tasks displayed in said list of task indications is a function of a mode setting, wherein a mode setting contains at least one setting including a beginner, an intermediate, and an advanced mode setting (figure 5, under Help menu choice, user can set the mode for a beginner, an intermediate, and an advanced).

As to claims 5, 16 and 28, Mayuzumi et al. teaches the tasks represented in said list of task indications are user-privilege specific (column 27, line 40 through column 28, line 15).

As to claims 6, 17 and 29, Mayuzumi et al. discloses the user privilege being consistent with the user-privilege in a data communication network (column 25, lines 20-46).

As to claims 7, 18 and 30, Perks et al. also discloses the list of task indications are replaced by a list of task step indications, and wherein each task step indication is coupled to a respective step indication displayed in the graphical overlay, wherein each associated task step indication is highlighted

in sequence with displaying its respective step indication (column 4, line 54 through column 5, line 45).

As to claims 8, 19 and 31, Perks et al. teaches the graphical overlay is invisible other than the indication being displayed (figure 5).

As to claims 9, 20 and 32, Perks et al. also teaches the indications displayed includes an information box including at least one of the following:

recommended input, required input, example input, subsequence list, and a description of what to expect next (figure 5, menu choice Selected).

As to claims 10, 21 and 33, Mayuzumi et al. demonstrates the recorded voice files or a text-to-speech synthesizer coupled to the sequence of instructions, wherein the instruction being displayed is simultaneously presented audibly (column 6, lines 10-25 and column 10, lines 5-20).

As to claims 11, 22 and 34, while Perks shows the feature of highlighting the task, Mayuzumi et al. demonstrates the selection of one or more selectable graphical areas in a sequence before selecting a task indication (column 21, line 20 through column 22, line 10).

### ***Response to Arguments***

Applicant has argued Perks et al. and Mayuzumi et al. do not disclose "directing the user's attention to a first selectable graphical user area" and "a first step indication associated with a first step in a given task... and a next step indication associated with a next step in the given task...". However, the Examiner respectfully disagrees with this argument. In Perks's system, when

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a user clicks any item on the menu bar (figure 7), the item is highlighted and a drop down menu is displayed. Any option that the user selects in the drop down menu, the item is still highlighted. In the case of multiple components being highlighted like "Selected" and "Open as", the user's attention is directed to a first selectable graphical user area" because when the user selects any option from the list of item "Open as", item "Open as" is still highlighted. Once the user selects "Show as", another drop down menu is displayed while "Show as" is still highlighted. Therefore, regardless of whether a single component or multiple components are highlighted, the system of Perks et al. always shows directing the user's attention to a first selectable graphical user area.

For the argument that Mayuzumi et al. does not show a "graphical overlay", the Examiner relies on Perks for this feature. Perks shows the drop down menu as the graphical overlay.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on

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the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238, may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-4395 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,



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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

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